

Board of Cosmetologist Examiners

October 20, 2014 Board Meeting Minutes

9:00 AM to 1:50 PM

Conference Room A, University Park Plaza
2829 University Ave SE, Minneapolis, MN 55414

Present at Meeting:

Mary Finnegan, Chair	Gina Stauss Fast, Executive Director
Laurie Boggess, Member	Diane DelaBarre, Assistant Executive Director
Robert Salmonson, Member	Jenna Bohl, Interim Licensing Division Manager
Chelsey Bell, Member	Catrina Mairose, Licensing Specialist
Nicole Dixon, Member	Tami Thein, Assistant to the Executive Director
Kurt Deile, Member	Lene Kiser, Compliance Specialist
Michele Owen, Attorney	Rebecca Gaspard, Rule Analyst

I. **Call to Order**

LB: Called meeting to order at 9:09 AM.

II. **Approval of Proposed Agenda**

BS: Made a motion to pass the proposed agenda with flexibility.

MF: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

III. **Approval of Minutes**

KD: Made a motion to approve the minutes from the July 21, 2014 Board meeting.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

IV. **New Business: Public Comment, Waivers, Variances, In-House Requests, Rulemaking Update and 2015 Legislative Session Update**

A. *Public Comment: Doug Nepp*

DN: Representative for VN School; the school did not keep records and the school should be punished not students for not maintaining good record keeping. DN suggests Board regulate closed school documents.

Students: My Vo, Mai Truong, Sophanna Song, My Duyen Hoang Nguyen, Southivong Khamvongsa, Doa Thi Thanh, Hong-Yen Nguyen, Phuoc Dai Van, Van Nguyen, Tien Truc Thuy Phan and Luat Huynh.

B. *Waiver – Kimberlee Adams*

CM: KA is requesting a waiver of MN Rule 2105.0200, Subp. 2, A(1), which requires renewal applicants to have practiced in a licensed salon for at least 1800 hours at any

time within the three years of their license cycle or 400 hours per each year, or to take a 40-hour refresher course. This request is based on medical hardship of her daughter.

KD: Made motion to grant KA request as long as she completes renewal application, shows proof of 40 hour Course Completion Certification and pays renewal and late fee based on financial hardship.

MF: Seconded. 6 Ayes, 0 Nays. **Motion Carried**

C. Public Comment—Charlene Samarah

CS: CS, licensed cosmetologist salon manager, would like the Board to consider licensing mobile salons. She is currently working with Minnesota Senator Ann Rests' office to pursue legislative changes to allow mobile salons.

KD and MF discuss meeting other requirements beyond our board and business decisions.

D. Waiver—Mang Thao

CM: MT requesting a waiver of MN Rule 2105.0150, which requires an individual to apply for a license within three years of completion of the 1550/600/350-hour training. MT completed her cosmetology training in June of 2007, but could not apply within three years due to financial hardship.

MF: Made motion to grant the waiver request 2105.0150 to allow MT to take 40 hour refresher, license exams and certification of skills within one year due to financial hardship.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

E. Waiver—Northeast Metro 916

GSF: Carol Bengston, CB is requesting a waiver of MN Rules 2110.0370 (Subp. 1. A) and 2110.0370 (Subp. 2) which require that instruction must take place within a licensed school building and that no cosmetology school shall operate without a license. Due to a misconception regarding their licensing, Northeast Metro 916 (the high school program within Century College) has not previously held a Cosmetology School License, but has now submitted an application. NM916 is requesting a waiver to allow students to receive credit for the training held since September 1, 2014.

BS: Made motion to grant the waiver request 2110.0370 (Subp. 1.A) to accept student waiver based on hardship to students to receive credit for the training held since September 1, 2014.

KD: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

F. Variance—Northeast Metro 916

GSF: CB is requesting a variance of MN Rules 2110.0510(A-D) and 2110.0710 which require specific elements to be taught within the full training curriculum and that no student should be enrolled in less than a full program. The school has a pending school License Application and intends to offer less than the full 1550/600/350

courses with the intention that students transfer into full cosmetology programs upon high school graduation.

KD: Made motion to grant NM916 variance request to allow NM916 to continue with their pre-clinical program for cosmetology students that are currently doing with the variance being for 6 years. Without variance there would be substantial hardship to the school and students. Also that is consistent with the public interest because it helps those students that want to pursue cosmetology get a jump start and do not believe there would not prejudice the substantial legal or economic rights of any person or entity by just providing this limited program.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

LB calls for break at 10:19AM.

LB calls for order at 10:30PM.

G. Waiver—Phuong Tran

GSF: TP requesting a waiver of MN 2105.0220(E-F) which requires an individual with a revoked license to wait two years before applying for re-licensure and meet all initial licensing requirements. PT's license was revoked on 2/13/13 based on an audit and PT's inability to provide proof of training and examinations. PT now wishes to become licensed in Minnesota through endorsement of his California license. This request is based on financial hardship.

KD: Made motion to grant TP request to allow TP to apply for license before 2 year period of revocation is over due to financial hardship.

LB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

H. Waiver—Rebecca Follansbee

GSF: RF is requesting a waiver of MN Rule 2105.0150, which requires an individual to apply for a license within three years of completion of the 1550/600/350-hour training. RF completed her cosmetology training in December of 2009, but could not apply within three years due to a medical hardship.

MF: Made motion to grant waiver request to RF based meeting medical hardship requirements.

KD: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

I. Waiver—Waseca Federal Correctional Institution

GSF: Rhonda Besel, on behalf of Waseca FCI, is requesting a waiver of MN Rules 2110.0370(Subp. 1.A) and 2110.0370(Subp. 2) which requires instruction to take place within a licensed school building and that no cosmetology school shall operate without a license. Due to federal funding restraints, the future cosmetology school was required to begin courses before their building was complete and a license was issued. This request is based on financial hardship.

Discussion.

KD: Made motion to grant request of waiver of 2110.0370 (Subp. 1. A) and 2110.0370 (Subp. 2) to allow hours accumulated for students from the beginning of this school year until license is approved based on financial hardship due to construction of school being delayed.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

J. Variance— Waseca Federal Correctional Institution

GSF: Rhonda Besel is requesting a variance of MN Rule 2110.0620(A) which states that no manager may concurrently be responsible for more than one school. She is currently the Designated School Manager at Riverland Community College and wishes to also manage Waseca FCI from the time they are licensed until a new school manager can be designated.

KD: Made motion to grant variance request for RB to be dual DSM at Riverland and WFCI from beginning of school year until another Manager becomes licensed before December 31, 2014. If not granted, would be hardship for students. In public interest because gain a skill during incarceration rehabilitation program. It would not prejudice the substantial legal or economic rights of any person or entity because they cannot take this program anywhere else due to their situation.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

K. Variance— Waseca Federal Correctional Institution

GSF: Rhonda Besel, on behalf of WFCI, is requesting a waiver of MN Rules 2110.0630(A), which requires that two instructors are on the school premises while students are present. The school currently has one licensed instructor and is waiting licensing for a second. RB requests that this variance be granted until the second instructor is licensed.

Discussion to be tabled pending licensing staff review and approval of application for 2nd instructor.

L. Variance—Empire Beauty School

GSF: Kathy Akenson, Regional Director of EBS, is requesting a waiver of MN 2110.0630(A), which requires that at least two licensed instructors are on the school premises while students are present. This waiver is requested for the part-time evening class of five students that will run for approximately one year. The request is based on the financial hardship that the school would face by employing two instructors for five students.

KD: Made motion to grant variance of having 2 instructors on location, reducing to 1 instructor. Variance granted until December 2015, with 5 students only. Once those 5 have finish the variance would cease to exist. This is based on financial hardship to find a part time instructor to complete remaining course. This serves public interest

because these 5 students will complete course well still maintaining their part time schedule. It would not prejudice the substantial legal or economic rights of any person or entity because they have already signed contracts with EMS and both parties need to fulfill their parts of contract.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

M. Waiver—Heidi Barber

GSF: HB is requesting three waivers of MN Rule 2105.0200, subpart 1, which states that if more than three years have elapsed since the license's expiration date, the licensee must apply for a new license. HB is requesting a waiver of this rule for her instructor license, her school manager license, and her salon manager license. This request is based on the financial hardship of not working and applying for new licenses, plus a medical hardship that prevented her from calling the BCE office.

KD: Made motion to grant request of waiver to reinstate HB operator license with condition of provide proof of 40 refresher course, take and pass written exam, certification of skills and submit complete application by December 31, 2014 due to financial hardship.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

KD: Made motion to grant request of waiver to reinstate HB instructor license with condition of completing 45 CE, completing and passing Instructor exams, submitting completed application with payment by December 31, 2014 due to financial hardship.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

KD: Made motion to deny request of waiver to reinstate her Salon and School Manager licenses due to not working the appropriate hours within the last 3 years.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

N. Variance— Waseca Federal Correctional Institution

GSF: This discussion was tabled until Licensing Staff reviewed and approved application for 2nd instructor. Instructor is licensed until 5/31/17. Since earlier variance of allowing hours for students was granted WFCI will withdraw 2nd petition of variance of 1 instructor with no action from the Board and students will receive credit.

LB calls for break at 12:01 PM.

LB calls for order at 12:25 PM.

O. Waiver – Quanette Martin

GSF: QM is requesting a waiver of MN Rule 2105.0150, which requires an individual to apply for a license within three years of completion of the 1550/600/350-hour training. QM finished her cosmetology training at Empire Beauty School in St. Paul in

2011 and now wishes to complete the steps for licensure. QM request is based on medical hardship.

Discussion.

KD: Made motion to deny waiver request based on incomplete information.

MF: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

P. Waiver – Denise Jarrett

GSF: DJ is requesting a waiver of MN Rule 2105.0200, subpart 2(C), which requires an applicant for a school manager license renewal to have 1800 hours, or 400 hours per each year, of practice in a licensed school throughout the license cycle, or a 40-hour refresher course. DJ has not obtained employment in a licensed school and would like her CIDESCO training to be substituted for the 40-hour refresher course.

Discussion.

BS: Made motion to deny waiver request based on not meeting waiver requirements with lack of school experience.

KD: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

Q. Waiver – Sandra Monte

GSF: SM is requesting a waiver of MN Rule 2105.0200, Subp. 2, A(1), which requires renewal applicants to have practiced in a licensed salon for at least 1800 hours at any time within the three years of their license cycle, or 400 hours per each year, or to take a 40-hour refresher course. This request is based on medical hardship of her sister.

Discussion.

KD: Made motion to deny waiver request due to not accumulating enough hours in the renewal license cycle.

BS: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

R. Waiver – Shear Magic

GSF: Kristi McCarty, owner of Shear Magic, is requesting a waiver of MN Rule 2105.0380(DD) which states that no animals, birds, or pets shall be allowed in a salon (with the exception of guide dogs). She's requesting to allow her two dogs in the dispensary of her residential salon. This request is based on the medical hardship of her and her dogs.

Discussion.

BS: Made motion to deny waiver request due to lack of proof of medical needs.

ND: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

S. Variance – Wright Technical Center

GSF: Susan Alberg, on behalf of WTC cosmetology program, would like to request a variance of MN Rules 2110.0510 A-D, which require specific elements to be taught within the full training curriculum and MN Rule 2110.0710 which states no student

should be enrolled in less than a full program. WTC offers a High School Technical Careers program which consists of less than a full cosmetology program, then leads students into full cosmetology programs. The school wishes to continue their current licensure, despite not having a full cosmetology curriculum.

Discussion.

MF: Made motion to grant variance request to WTC. The granting of the variance would result in the hardship to the school and students. Granting the variance would be consistent with the public interest of those students. The variance would not prejudice the substantial legal or economic rights of any person or entity because there is no competition in that area. This variance will be for 6 years.

CB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

T. In House Request

GSF: BCE Staff reviewed all applications and recommends the following individuals to be appointed to be the seven members Certification of Skills Task Force. Rhonda Besel, Amy Heinzen, Stacie McIlwain, Teri Cipowski, Georgina Davis, Nicki Dixson and Ann O'Dell.

Discussion.

BS: Made motion to grant request to accept the recommended group.

MF: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

U. Rulemaking Update

RG: The new rules exempting threading from the practice of cosmetology (Revisor's Draft 0-4263) were approved by OAH and went into effect on Monday, September 27, 2014. Major Rules Overhaul is still underway with additional notice plan approved by OAH. Request for Comments continue.

V. 2015 Legislative Session Update

GSF: Cleaning up Salon license requirements, Higher Education in State Authorization, and of Cosmetology Programs that don't meet the school requirements. Increasing staff and what to expect in the submitted budget. Discussion regarding mobile salons and not adding to our docket.

V. Division Reports – Licensing, Compliance and Inspection

A. Licensing

JB: Changes in the Licensing Division with the addition to a new temporary employee. Review of Licensing Committee Meeting. Application processing has been completed, on average, within 14 business days.

B. Compliance Division Report

DD: In the 1st quarter, a total of 48 complaints were filed with the Board. Board staff currently are working on 91 active complaints. Review of Compliance Committee Meeting.

C. Inspection Division Report

DD: All schools have been inspected.

VI. New Business: Plan 2015 Meeting Dates

Approved meeting dates:

February 9, 2015

May 11, 2015

July 20, 2015

October 12, 2015

December 7, 2015

VII. Adjournment

LB: Adjourned the meeting at 1:50 PM.